



PC AGENDA: 2/27/02
ITEM:

Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 14, 2002

COUNCIL DISTRICT: 5

SUBJECT: VACATION OF A PORTION OF A LIGHT AND AIR EASEMENT (BUILDING SETBACK LINE) ALONG THE REAR OF A SINGLE-FAMILY RESIDENTIAL PARCEL AT 3591 MILLET COURT

BACKGROUND

This is a request to vacate an approximately 80-foot-wide Light and Air Easement (Building Setback Line) along the rear of a single-family residential property located at 3591 Millet Court. The proposed vacation will allow the applicant to build a swimming pool in the backyard of an existing single-family residence.

The original intent of the easement was to prevent construction of structures in this portion of the site. The easement is no longer necessary, in that construction of a swimming pool will not have a significant visual impact on the surrounding area. Potential construction of other more substantial structures in the future is not allowed under the Planned Development Zoning that covers the subject site.

The Department of Public Works has reviewed the application and recommends that the request be approved. In addition, the City Geologist has issued a Certificate of Geologic Hazard Clearance for the proposal. No utilities would be affected by the proposed use. Planning staff recommends that this request be approved.

This vacation and the minor property improvement that it facilitates are in conformance with the adopted San José 2020 General Plan Land Use/Transportation Diagram.

CEQA

The Director of Planning has determined that the proposed vacation and the associated property improvement are exempt from environmental review.

RECOMMENDATION

Planning Staff recommends approval of the vacation, to the satisfaction of the Director of Public Works.

JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

